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10/823,736	04/14/2004	Jin-hyung Lee	1572.1233	4884

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EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,736

Applicant(s)

LEE, JIN-HYUNG

Examiner

Vincent T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 2-3, 5-6, 8-9, 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 1/17/07
2. Claims 1-17 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

Response to Amendment

4. Applicant's arguments filed 1/17/07 have been fully considered but they are not persuasive.
 - In reference to claims 1, 4, 16 that was rejected under 35 U.S.C. 102 (e) by Koo, the rejection is withdraw.
 - In reference to claims 1 and 11 that was rejected under 35 U.S.C. 102(b) in view of Goto, Applicant's argument:
 - Got to fails to teach or suggest:
 - a latch switch generating a contact signal when the latch member is at the releasing position; and
 - a controller supplying electric power to the computer if the latch switch generates a contact signal.

Examiner's response:

Goto teaches an invention directed to a lid the opening/closing structure of an portable electronic device provided with a means for turning a power source on/off. See drawing 1-2, 7A, 7B. Goto discloses a slide button 36 (***latch member***) is connected through an opening of the cover 4 to the hook mechanism 20 which included a slider 26 and a hook member 28. Accordingly, by moving the slider button 36, the slider 26 can be moved from the left to the right as view in fig. 7A-7B which reciprocating from a hooking position at which the hook member is

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hooked to the latch hole 8A to a releasing position at which the hook member is released from the latch hole. Goto further discloses a switch mechanism 56 (*latch switch*) function to switch on and off a signal in synchronism with movement of the slide button [col. 2 lines 43-55].

Accordingly, the switch mechanism is adopted to switch on and off a signal in synchronism with the opening and closing operating of the cover 4 with respect to the body 2 [col. 8 lines 55-65].

This switch mechanism operates as an outputting unit outputting a signal (*contact signal*), for example, a signal for switching on and off a main power or directly controlling supplying of power to a device [col. 9 lines 12-20] in accordance with movement of the hook member.

Therefore, it is examiner's contention that Goto teaches

a latch switch [56 fig. 7B] generating a contact signal when the latch member [36 fig. 1] is at the releasing position [as show in fig. 7B]; and

a controller supplying electrical power to the computer [col. 9 lines 12-20] if the latch switch generates a contact signal [switch 56 is generate contact signal at "on" position as show in fig. 7B].

- In reference to claims 11-13 and 15 that was rejected under 35 U.S.C. 102(e) in view of Lee, Applicant's argument:

initiating a powering of the computer when the latch member is at the releasing position

Lee fails to teach or suggest the above limitation and the Office Action's interpretation is unreasonable in that it afford no patentable weight to the above recited feature.

Examiner respectfully disagree

Examiner has give each and every word in a claim its broadest reasonable interpretation for the purpose of determining the metes and bounds of the claimed subject mater, what the claim encompasses and the scope of the claim. Therefore, it is examiner contention that Lee teaches the above limitation. As show in feature 2 of Lee, Lee teaches a latch member 301 which operable to move from left to right, from closing to releasing position. A user can initiating a powering of the computer by pushing the power button and move the latch member to the releasing position at the same time; or the user could move and hold the latch member to the releasing position and initiating a powering of the computer by pushing the power button.

- In reference to claim 14

Labrijin Patent No. 5,052,106 teaches a electric shaver which is a common household item wherein Labrijin teaches the electric shave comprises a latch member [24 fig. 6] having three position: close fig. 5, open fig. 6 (intermediate position), and a protrusion 25 which prevented the latch member from turn on power (third position) without sufficient force to move the latch to the third position.

The rejection is maintain.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1 and 16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of U.S. Patent No. 6,704,194. Although the conflicting claims are not identical, they are not patentably distinct from each other, from the comparison listed the following table:

Current Application	Patent 6,704,194
Claim 1, 16	Claim 15
A computer, comprising:	A method for controlling delivery of power to an LCD panel in a notebook computer, said method comprising:
a main body	inherent
a display rotatably connected to the main body	sliding a latch member in a first direction to rotatably release said LCD panel from a main body
a latch member movable between closed and release latching positions, wherein when the latch member is in the closed position the display is prevented from rotatably moving to an orientation allowing for viewing of the display by a user of the computer	inherent
a latch switch generating a contact signal when the latch member is at the releasing position; and a controller supplying electric power to a system of the computer if the latch switch generates a contact signal	releasing the latch member allowing said latch member to move in a direction opposite to the said first position; automatically activating a power switch to deliver power to said LCD panel [a system of the computer]

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7. Claims 1, 4, 11-12, 16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,704,194 in view of Goto et al. U.S. Patent No. 6,122,152 ("Goto"). Although the conflicting claims are not identical, they are not patentably distinct from each other because all limitations of claims 1, 4-9, 11-12, 16 are present in claim 1-30 of U.S. Patent 6,704,194 except for the supplying of power to the computer, which is disclosed by Goto in lines 13-22 of column 9.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) he has abandoned the invention.

9. Claims 1, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto.

10. As per claim 1, Goto discloses a computer, comprising:

a main body [2 fig. 1];

a display [18 fig. 1] rotatably connected to the main body;

a latch member [26 fig. 1] movable between closed and release latching positions [fig. 5A and 5B], wherein when the latch member is in the closed position the display is prevented from

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rotatably moving to an orientation allowing for viewing of the display by user of the computer [inherent – see fig. 1];

a latch switch [56A fig. 7B] generating a contact signal when the latch member is at the releasing position; and

a controller supplying electrical power to the computer if the latch switch generates a contact signal [col. 9 lines 17-22, 61-67].

11. As per claim 11, Goto discloses a method of powering a computer, with the computer having main body rotatably connected to a display and a latch for latching the main body and the display together [fig. 1], comprising:

moving a latch member of the latch from a latching position to a releasing position [fig. 7A-7B]; and

initiating a powering of the computer when the latch member is at the releasing position [col. 9 lines 17-22, 61-67].

12. Claims 11-13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. U.S. Patent 6,535,380 (“Lee”).

13. As per claim 11, Lee discloses a method of powering a computer, with the computer having main body rotatably connected to a display and a latch for latching the main body and the display together [fig. 1], comprising:

moving a latch member of the latch from a latching position to a releasing position [fig. 2 and 3]; and

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initiating a powering of the computer when the latch member is at the releasing position
[Inherent – Open lid and push main power button].

14. As per claim 12, Lee inherently discloses when computer is already powered, and the latch member is at the release position, a shutdown of the computer is initiated [inherent – push down on main power button to turn off power to the system].

15. As per claim 13, Lee inherently discloses the latch member is at an intermediate position, before reaching a releasing position, the display can be rotatably opened from main body without the computer initiating the powering of the computer [Main power has not been activated].

16. As per claim 15, inherent.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 4, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto as applied to claim 1 or 11 above, and further in view of Takuya JP405290622.

21. As per claim 4, Goto does not teach a main power switch provided on the main body, wherein the controller supplied electric power to the system of the computer if one of a turn on signal from the main power switch and the contact signal from the latch switch is generated.

Takuya teaches another computer system comprising an electronic means for turning a power source off for eliminating unnecessary battery consumption by utilizing the opening/closing of a lid. Specifically, Takuya teaches a main power switch [12 fig. 3] provided on the main body, wherein the controller supplied electric power to the system of the computer if one of turn on signal from the main power switch and the contact signal from the latch switch [14 fig. 3 when closed] is generated.

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Goto to include the main power switch of Takuya in order to provide the user the ability to turn off/on the computer when the latch is in release position.

22. As per claim 7, Goto teaches the controller cuts off electric power of the system if the latch switch generates the contact signal while electric power is being supplied to the system [fig. 7A].

23. As per claim 10, Takuya teaches the display is latched to the main body, the display can be unlatched from the main body without the latch switch generating the contact signal [Constitution].

24. As per claim 15, Takuya teaches initiating a powering of the computer when a main power button on the main body is pressed [page 3].

25. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to claim 13 above.

26. As per claim 14, Examiner takes Official Notice of the fact that the latch member contacts a protrusion, in the latch and in the movable zone of the latch member, the latch member is prevented for proceeding to the releasing position without sufficient force to move the latch member past the protrusion such that the latch member is in the intermediate position is an old and well-know technique in construct a multi-function switch.

27. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto.

28. As per claim 16, Goto teaches a computer, comprising:
a main body [2 fig. 1];

a display [18 fig. 1] rotatably connected to the main body;

a latch member [26 fig. 1] movable between closed and release latching positions [fig. 5A and 5B], wherein when the latch member is in the closed position the display is prevented from rotatably moving to an orientation allowing for viewing of the display by user of the computer [inherent – see fig. 1];

a latch switch [56A] parallel to the latch member, such that the latch switch disengages the latch member [56A fig. 7B] and generates a contact signal [56 fig. 1] when the latch member is at the releasing position; and

a controller supplying electric power to the computer if the latch switch generates the contact signal [col. 9 lines 13-22].

Goto does not teach the latch switch adjacent to the latch member, such that the latch switch contacts the latch member when the latch member is at the releasing position.

However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide a latch switch adjacent to the latch member such that the latch switch contacts the latch member when the latch member is at the releasing position because applicant has not disclosed that by positioning the latch switch at a specific orientation with respect to the latch member provide an advantage, is used for the particular purpose, or solves a stated problem. One of ordinary skill in the art, further, would have expected Applicant's invention to perform equally well with the latch switch located either adjacent or parallel to the latch member because both position allow the latch switch to perform the same function which is to initiate the supply of power to a system of a computer when the latch member is at the releasing position.

Therefore, it would have been an obvious matter of design choice to modify Goto to obtain the invention as specified in claim 16.

Allowable Subject Matter

29. Claims 2-3, 5-6, 8-9, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571)272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran



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PRIMARY EXAMINER